




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

DOCKET FILE COPY ORIGINAL

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Mobile Relay Associates and Skitronics, L.L.C. v. FCC & USA*, No. 04-1413.
Filing of a Petition for Review in the United States Court of Appeals for the
District of Columbia Circuit.

DATE: December 13, 2004

This is to advise you that, on December 6, 2004, Mobile Relay Associates and Skitronics, L.L.C. filed a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. 402(a), of the following orders: *In the Matter of Improving Public Safety Communications in the 800 MHz Band, et al.*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, WT Docket No. 02-55, ET Docket No. 00-258, and ET Docket No. 95-18, 19 FCC Rcd 14969 (2004), as corrected by *In the Matter of Improving Public Safety Communications in the 800 MHz Band, et al.*, Erratum, released September 10, 2004, and *In the Matter of Improving Public Safety Communications in the 800 MHz Band, et al.*, Second Erratum, 19 FCC Rcd 19651 (2004).

Petitioners challenge the above-referenced orders, in which the Commission restructured the 800 MHz band in order to reduce interference to public safety radio systems. The restructuring process will require various licensees to be moved to new spectrum, and petitioners claim that they have been unfairly treated in the process and that the modification of the licenses amounts to a taking.

The Court has docketed this case as No. 04-1413. The attorney assigned to handle the litigation of this case is Joel Marcus.